

National Aeronautics and Space Administration

Headquarters

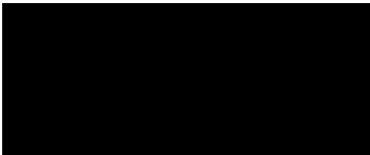
Washington, DC 20546-0001



June 25, 2024

Reply to attn. of: Office of Communications
History and Information Services Division

Kevin Barlow



Re: NASA FOIA Tracking Number **24-00861-F-HQ**

Dear Mr. Barlow:

This is our final response to your Freedom of Information Act (FOIA) request to the National Aeronautics and Space Administration (NASA), dated and received in this office on May 30, 2024. Your request was assigned the above-referenced tracking number. You seek emails, Teams messages, and text messages sent from and received by Derek Moore, sent to and received from Peter Jacobs from November 1, 2022, through May 30, 2024. You also seek emails matching these same parameters which Peter Jacobs sent to the HQ FOIA email address.

In response to your request, we requested that NASA's Office of Information Technology conduct a search for the email account of Derek Moore and hq-foia@mail.nasa.gov using the search terms "Peter Jacobs". We also conducted a search of the Office of Communications with Peter Jacobs for any Teams messages and text messages sent from or received by Derek Moore. Those searches identified records responsive to your request for emails and we received no records response for any text messages or Teams chats. We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

28 page(s) are released in full (RIF);¹
9 page(s) are released in part (RIP);

NASA redacted from the enclosed documents certain information pursuant to the following FOIA exemptions:

¹ All page counts are approximate numbers.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”

5 U.S.C. § 552(b)(5). Courts interpret Exemption 5 to incorporate three primary privileges: the attorney work-product privilege, the attorney-client privilege and the deliberative process privilege. NASA invokes the deliberative process privilege.

The deliberative process privilege is intended to protect the decision-making process of government agencies and to encourage frank discussion of legal and policy issues. The scope of the privilege covers documents reflecting advisory opinions, recommendations, and deliberations comprising part of a process by which government decisions and policies are formulated. To qualify for the deliberative process privilege, a document must be both “pre-decisional” and “deliberative.” Documents are pre-decisional when they precede an agency decision and are prepared in order to assist an agency in arriving at its decision. Documents are deliberative when they comprise part of the process by which government decisions are made. The types of information NASA withheld under this exemption consists of portions of emails containing analyses, recommendations, and opinions expressed by employees. NASA considered the foreseeable harm that would result from the release of this information and determined that its release would hinder the decision-making process, create a chilling effect on internal deliberations, lead to uninformed decision-making, and public confusion.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”

5 U.S.C. § 552(b)(6) (emphasis added). NASA invokes exemption 6 to protect Microsoft teams meeting ID’s, links, and passwords, cell phone numbers, group email addresses for internal agency use, and signatures of employees.

Fees

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$50 minimum, there is no charge.

Appeal

You have the right to appeal my action regarding your request. Your appeal must be received within 90 days of the date of this response. Please send your appeal to:

Administrator
NASA Headquarters
Executive Secretariat
ATTN: FOIA Appeals
MS 9R17
300 E Street S.W.
Washington, DC 20546

Both the envelope and letter of appeal should be clearly marked, "Appeal under the Freedom of Information Act." You must also include a copy of your initial request, the adverse determination, and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial determination should be reversed. Additional information on submitting an appeal is set forth in the NASA FOIA regulations at 14 C.F.R. § 1206.700.

Assistance and Dispute Resolution Services

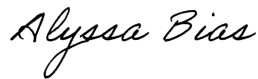
If you have any questions, please feel free to contact me at hq-foia@mail.nasa.gov. For further assistance and to discuss any aspect of your request you may also contact:

Stephanie Fox
Chief FOIA Public Liaison
Freedom of Information Act Office
NASA Headquarters
300 E Street, S.W., 5P32
Washington D.C. 20546
Phone: 202-358-1553
Email: Stephanie.K.Fox@nasa.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Important: Please note that contacting any agency official including myself, NASA's Chief FOIA Public Liaison, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

Sincerely,



Alyssa Bias
Government Information Specialist

From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#)
Subject: FOIA Records Search Request 23-00100-F-GSFC
Date: Tuesday, November 29, 2022 1:25:00 PM
Attachments: [FOIA Search 23-00100-F-GSFC.pdf](#)
[image002.png](#)
[image003.png](#)
[FX FOIA CLARIFIED Request.pdf](#)

Good Afternoon Peter,

I am one of the Government Information Specialists with the FOIA Program at Headquarters. We received a request at headquarters for which I am sending you a FOIA records search request. I have attached a FOIA records search request, a copy of the FOIA request, and also summarized the request on page 4 of the search form. I am sending you this records search request for the **highlighted portion only**. The remaining portions of the request were sent to Office of IT, about which I also notified you in the email chain below. Requester seeks:

*I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.
Date Range for Records Search: May 1, 2021 to March 15 2022.*

*I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).
Date Range for Records Search: May 1, 2021 to March 15 2022.*

*I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".
Date Range for Records Search: May 1, 2021 to October 1, 2021.*

(Date Range for Records Searches: May 1, 2021 to March 15, 2022 and, May 1, 2022 to October 1, 2021).

Although our office will send the documents through the proper review channels, and make the final determination on what documents are releasable, **as the subject matter expert, please state what you feel should or should not be released by highlighting the "non-releasable" information you believe should be withheld.** Pages 1 and 2 of the attached search form provide guidance on redaction recommendations.

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. **If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **December 6, 2022**. Please also send any feedback from records holders regarding recommendations for redactions/exemptions, as well as context that would be important for us to know.

I sent a FOIA records search request to OTHER PROGRAM OFFICES as well. If during the course of your search you identify other offices which would have records please fill this information out on the records search form (page 1, just above the signature section).

☐ Please check this box if you believe another program office may maintain responsive records, and identify that office. **PROGRAM OFFICE:**

Do not hesitate to reach out with questions you have or additional information you need.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: Moore, Derek M. (HQ-NA050)
Sent: Tuesday, November 29, 2022 12:39 PM
To: Jacobs, Peter H. (GSFC-1300) <peter.jacobs@nasa.gov>

Cc: Nikki N. Gramian (HQ-NA040) (nikki.n.gramian@nasa.gov) <nikki.n.gramian@nasa.gov>

Subject: FW: FOIA Records Search Request 23-00100-F-GSFC

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (not 101, as previously indicated) Please disregard prior email.**

****Please also note updated "Original Description" section**

Good Morning,

This is to advise you that the NASA FOIA office received a Freedom of Information Act (FOIA) request seeking copies of your emails. Thus, to comply with the law within the 20 days set forth in the statute, we asked IT to conduct a search of your NASA-managed email account. For your reference, below is a copy of the email initiating that search. Also attached are copies of the original FOIA request and a form which describes the search parameters IT is using to conduct the search.

No action is needed from you at this time. If any emails responsive to the FOIA request are located, the FOIA office will review them, apply any applicable redactions per the FOIA statute and current case law, and give you an opportunity to review the records once processed.

Please note that the FOIA office works closely with the Office of General Counsel to ensure FOIA redactions are applied in accordance with the FOIA statute. Should you have any questions about this process, please feel free to contact me.

Requester does also ask for a records search to be done within your office. I will be sending that later today once I verify if GSFC OCOMM has a FOIA point of contact. I'll route the request through the confirmed point of contact and they will most likely send to you directly. If your office does not have a preferred point of contact I may reach out to you directly, if that's okay. I'm available for a quick Teams call today if you have questions.

Sincerely,

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: Moore, Derek M. (HQ-NA050)

Sent: Tuesday, November 29, 2022 12:33 PM

To: (b) (6) @mail.nasa.gov

Cc: Karim Said (HQ-JA022) karim.a.said@nasa.gov; Nikki N. Gramian (HQ-NA040) (nikki.n.gramian@nasa.gov) nikki.n.gramian@nasa.gov

Subject: FOIA Records Search Request 23-00100-F-GSFC

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (not 101, as previously indicated) Please disregard prior email with prior forms, and use this one for records search.**

****Please also note updated "Original Description" section**

Good Morning Karim and Scott,

We've received a request at Goddard seeking emails, so I am sending this FOIA records search request. Attached is a copy of the records search request form, a copy of the FOIA request, and I also summarized the request on page 1 of the records search form.

Request seeks:

*I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).
Date Range for Records Search: May 1, 2021 to March 15 2022.*

*I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".
Date Range for Records Search: May 1, 2021 to October 1, 2021.*

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. **If we continue searching past the

allowed time, we may not be able to collect fees for any additional search time.

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **Tuesday, December 6.**

Do not hesitate to reach out with questions you have.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



FOIA SEARCH INSTRUCTIONS

We identified your office as likely to maintain record(s) responsive to the below-referenced and attached FOIA request. Please review this request and complete a search, following the instructions detailed below. Please respond to this search request by the below-referenced due date. The due date allows the FOIA and Legal Offices adequate time to process and review records, and to complete a response to the FOIA request within the time period established by federal law.

Please conduct a search that is ***reasonably calculated to locate all responsive records*** described in the attached request. **All responsive records MUST be provided to the HQ FOIA OFFICE.** HQ FOIA must review each responsive record to determine whether it should be released or withheld either in part or in full. The records, even those withheld in full, are also required to be stored in the FOIA administrative file. If you have questions regarding production of a record, please notify our office immediately.

INSTRUCTIONS:

1. Subject Matter Expert:

- **Conduct a search for existing records.**
 - Please track how much time it takes (hours/minutes) to locate the records, and note that in the appropriate space below **[NOTE: if it will take longer than 2 hours to complete the search, please notify the HQ FOIA Office prior to completing the search].**
 - Do not create or alter any records to satisfy a request.
 - NASA is not obligated to respond to questions, or add explanatory material to any records disclosed in response to a FOIA request.
 - If no responsive records are located, please check the appropriate box below.
 - **Provide the method and location of search.** This information is required for the administrative file. For example, provide the names of individuals who searched; search terms used; indices, databases, and/or other record holdings that were searched; as well as any search methodologies used.
- **Download, copy, or scan the records.**
 - Please do not provide original copies of records to the HQ FOIA Office.
 - To the extent possible, it is helpful if electronic copies are provided.
- **Review the responsive records** page by page and line by line, and **mark** any information that is not suitable for public release. You should also include a statement as to why the information should not be released.
 - You may **highlight** the record(s) **OR** place **[red brackets]** around the information, and **note the FOIA exemption that applies, or your justification for protecting the information.**
 - **Do not black out any information.** The FOIA office will do this once all records are reviewed and approved for release.
 - As you review the records, please confirm that all pages are included. If any part of the records are missing or if the number sequence changes, please provide a brief statement as to why the information is not included. Providing this information ahead of time will help to save processing time.
 - The legal requirement under FOIA is to provide all responsive records to our office even if they are not releasable.
 - If responsive records are located, you may recommend:
 - Full release - Provide one clean copy only.
 - Partial release - Provide a marked copy as described above **AND** a clean copy.
 - Withhold in full – Provide a copy of the record clearly marked to withhold in full **AND** a clean copy.
 - **Provide a brief statement for all withholding (partial/full) recommendations or “no records” notices.** This statement will be used to conduct our analysis, prepare the response letter, and will also be part of the package sent to the legal office for their review and concurrence.
- **Return the records to our office with your withholding recommendations/justifications and completed FOIA Action Report (attached).**

2. Export Control Representative (ECR), if applicable

If records located contain technical information, an export compliance review **MUST** be conducted before returning the documents to the FOIA Office. **You should inform your CEA that you are reviewing a document that is expected to be released or withheld entirely under the FOIA.** If any withholdings are taken for this type of information, **the ECR must provide the pertinent statute that exempts the records from disclosure.**

FREEDOM OF INFORMATION ACT (5 USC § 552)

EXPLANATION OF EXEMPTIONS

(b)(1) Classified Material: Applies to information that is currently and properly classified pursuant to Executive Order 13526 in the interest of national defense or foreign policy.

(b)(2) Human Resource Internal Rules and Practices: consistent with the plain meaning of the term 'personnel rules and practices,' encompasses only records relating to issues of employee relations and human resources.

Exemption 2's New Three-part Test

1. The Information **Must be Related to "Personnel" Rules and Practices** As the Supreme Court emphasized, the "key word" in the exemption and the one word which "most clearly marks the provision's boundaries – is 'personnel. The Department of Justice Guidance on Milner advises agencies that in order for information to qualify for protection under Exemption 2, agencies must ensure that the information at issue satisfies the requirement that it "relate to an agency's personnel rules or practices.

2. The Information **Must Relate "Solely" to Those Personnel Rules and Practices** The second requirement for Exemption 2 is that "the information at issue must **'relate solely' to the agency's personnel rules and practices.**" The Supreme Court defined this phrase by its "usual" meaning, which is "exclusively or only."

3. The Information **Must be "Internal"** The third requirement for Exemption 2 is that the **information must be "internal," meaning that 'the agency must typically keep the records to itself for its own use.** Exemption 2 is now limited to records that are **1) personnel-related rules and practices; 2) that are "related solely" to such rules and practices; and 3) that are "internal" to the agency.**⁸³

(b)(3) Exempt by Specific Statute: Applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed. **(If this exemption is used the pertinent statute must be cited)**

(b)(4) Privileged/Confidential Commercial/Financial Information: Applies to information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis, which if released would result in competitive harm to the company.

(b)(5) Inter/Intra Agency Memoranda Deliberative in Nature: Applies to inter- and intra-agency documents which are both deliberative in nature and part of a decision making process; includes subjective evaluations, opinions and recommendations.

(b)(6) Privacy Act Sensitive Information: Applies to information release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

(b)(7) Information Compiled for Law Enforcement Purposes: Applies to records or information compiled for law enforcement purposes that (a) could reasonably be expected to interfere with law enforcement proceedings; (b) would deprive a person of a right to a fair trial or impartial adjudication; (c) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; (d) disclose the identity of a confidential source; (e) disclose investigative techniques and procedures, or (f) **could reasonably be expected to endanger the life or physical safety of any individual.**

(b)(8) Financial Institution Records: Applies to records related to regulation or supervision of financial institutions.

(b)(9) Geological and Geophysical Information: Applies to records relating to geological and geophysical information and data concerning to wells.

PLEASE NOTE: Any reasonably segregable portion of a record shall be provided to any person requesting records after redacting portions that are exempt from release. The amount of information deleted, **and the exemption under which the deletion is made**, shall be indicated **on the released portion of the record**, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, **and the exemption under which the deletion is made**, shall be indicated **at the place in the record where such deletion is made.**

FOIA ACTION OFFICE REPORT

FOIA Case Number 23-00100-F-GSFC Date of Search Request 11/29/22
Search POC/Office GSFC-OCOMM Jacobs P. Search Due Date 12/6/22
HQ POC HQ, FOIA, Moore D. Date Returned to HQ FOIA _____

- **Searcher(s) and Search Time:**

Name	GS Grade	Search Time (Hours/Minutes)	# Records Located	# Total Pages	Review Time (Hours/Minutes)

- **Search Terms Used:**

- **Systems/Databases searched:**

- **Search Results and Lead Subject Matter Expert Certification:**

☐ Responsive records located, reviewed for withholdings, and prepared according to the above instructions. **TOTAL REVIEW TIME:** _____

☐ Withholdings/redactions recommended

☐ Release in full recommended

☐ No responsive records located.

☐ Please check this box if you believe another program office may maintain responsive records, and identify that

office. **PROGRAM OFFICE:** _____

Signature

Code

Name

Date

- **Action Office FOIA Coordinator Certification:**

I reviewed this packet for completeness prior to transmittal to the HQ FOIA Office. To the best of my knowledge, and based on information provided to me, the foregoing is accurate.

Signature

Code

Name

Date

Additional Comments/Concerns:

Requester Details	
Requester* : Barlow, Kevin	Organization : IDKSANDY
Category* : All Others	On Behalf Of :
Address Details	
Shipping Address	Billing Address
Address 1: Address 2: City: Country*: State: ZIP Code: [12345 or 12345-6789 format for US]	Address 1: Address 2: City: Country*: State: ZIP Code: [12345 or 12345-6789 format for US]
Request Details	
Action Office* : GSFC Request Type* : FOIA Received Mode : Public Access Link Multi-Track Type : Complex Requested Date* : 11/17/2022 Received Date* : 11/29/2022 Target Date : 12/28/2022 Estimated Date of Completion : 12/28/2022 Extensions : - Review Status :	Primary Assigned* : Moore, Derek Priority : Normal Delivery Mode : E-mail Method of Payment : Original Received Date* : 11/17/2022 Original Target Date : 12/16/2022 Perfected : Yes

ORIGINAL REQUEST DESCRIPTION

Requesting all correspondence & records of public affair officer Peter Jacobs containing one or more of the following strings: "sars" "cov" "misinformation" "coronavirus" "compensation" "payment" "favor" "conspiracy" "conspiracies" "combat" "debunk" "daszak" "peter" "jepson" "katie" "USRA" "henry" "jackson" "hjf" "ecohealth" "eha" "origins" "baric" "ralph" "unc" "neil" "stuart" "farrar" "fauci" "schmidt" "gavin" "collins" "markolin" "philipp" "twitter" "tweet" "PREDICT" "DEFUSE" "USAID" "chan" "alina" "ebright" "richard" "furin" "lab" "leak" "nih" "climate" "anti" "vaccine" "vax". "fund" "trump". strings are not limited to email content and should include email recipients. Thank you! (Date Range for Record Search: From 01/01/2020 To 11/17/2022)

CLARIFIED REQUEST DESCRIPTION

I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".

Date Range for Records Search: May 1, 2021 to October 1, 2021.

(Date Range for Records Searches: May 1, 2021 to March 15, 2022 and, May 1, 2022 to October 1, 2021).

- HQS	
On behalf of :	
Referred from :	
Expedite Requested ☒ Yes ☐ No	
Start Date* : 11/17/2022 11/17/2022	End Date* : 11/29/2022 11/29/2022
Determination : Denied	
Expedite Description : reputation of delayed releases	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Waiver Requested ☒ Yes ☐ No	
Start Date : 11/17/2022 11/17/2022	End Date :
Determination : TBD	
Fee Waiver Description : request satisfies requirements listed in §1206.506(c) a	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Details	
Willing Amount* \$: 0.00	☐ Willing to Pay All Fees

From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#); [Kerr, Dorothy \(GSFC-1400\)](#)
Subject: RE:
Date: Tuesday, November 29, 2022 10:24:00 AM
Attachments: [image001.png](#)

Yes, that works. I'll get an invite over now. I'll add my supervisor as optional.

Thank you!
Derek

From: Jacobs, Peter H. (GSFC-1300) <peter.jacobs@nasa.gov>
Sent: Tuesday, November 29, 2022 10:15 AM
To: Kerr, Dorothy (GSFC-1400) <dorothy.c.kerr@nasa.gov>; Moore, Derek M. (HQ-NA050) <derek.m.moore@nasa.gov>
Subject: Re:

I can do that as well. Does that work for you, Derek?

From: "Kerr, Dorothy (GSFC-1400)" <dorothy.c.kerr@nasa.gov>
Date: Tuesday, November 29, 2022 at 11:01 AM
To: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>, "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>
Subject: Re:

I can do 12:30

*Dorothy ("Dee") Kerr
Attorney-Advisor
GSFC Office of General Counsel
NASA Goddard Space Flight Center
Code 140
Greenbelt, MD 20771
(cell) (b) (6)
[Pronouns: she/her/hers \(Why is this important?\)](#)*

From: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>
Date: Tuesday, November 29, 2022 at 10:55 AM
To: "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>
Cc: Dee Beshouri <dorothy.c.kerr@nasa.gov>
Subject: RE:

Would 12p EST today work for a quick Teams Call?

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#); [Kerr, Dorothy \(GSFC-1400\)](#)
Cc: [Gramian, Nikki N. \(HQ-NA050\)](#)
Subject: Teams Meeting
Start: Tuesday, November 29, 2022 11:30:00 AM
End: Tuesday, November 29, 2022 12:00:00 PM
Location: Microsoft Teams Meeting

Microsoft Teams meeting

Join on your computer, mobile app or room device

Click here to join the meeting <<https://teams.microsoft.com/l/meetup->

(b) (6)

Meeting ID: (b) (6)

Passcode: (b) (6)

Download Teams <<https://www.microsoft.com/en-us/microsoft-teams/download-app>> | Join on the web <<https://www.microsoft.com/microsoft-teams/join-a-meeting>>

Or call in (audio only)

+1 256-715-9946,,98738546# <tel:+12567159946,,98738546#> United States, Huntsville

Phone Conference ID: (b) (6)

Find a local number <<https://dialin.teams.microsoft.com/19e0a492-90c6-4dcc-b305-a553fc69dc5b?id=98738546>> | Reset PIN
<<https://dialin.teams.microsoft.com/usp/pstnconferencing>>

ALERT: All meeting participants consent to, and will abide by, the terms and conditions viewable at the LEGAL link below No ITAR/EAR content display or sharing without consent from Export Control

Learn More <<https://aka.ms/JoinTeamsMeeting>> | Help <<https://nasa.sharepoint.com/sites/TeamsSupport>> | Meeting options
<https://teams.microsoft.com/meetingOptions/?organizerId=4b8b71f5-28d6-4bd8-920b-b6537bfc9faf&tenantId=7005d458-45be-48ae-8140-d43da96dd17b&threadId=19_meeting_NDg0NjlhZmMtNTZmMC00ZTE2LWE4MjAtYzU5ZmNmZmNjMDkz@thread_v2&messageId=0&language=en-US> | Legal <<https://www.nasa.gov/content/microsoft-teams-disclaimer>>

From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#); [Kerr, Dorothy \(GSFC-1400\)](#)
Subject: Moore, Derek M. (HQ-NA050) shared the folder "Folder" with you.
Date: Tuesday, November 29, 2022 1:13:37 PM
Attachments: [AttachedImage](#)
[AttachedImage](#)
[AttachedImage](#)
[AttachedImage](#)
[AttachedImage](#)



Moore, Derek M. (HQ-NA050) shared a
folder with you

Please note correction made in #3 regarding number & orig descrip - sorry for the
confusion.



Folder



This link only works for the direct recipients of this message.

Open



[Privacy Statement](#)



From: [Jacobs, Peter H. \(GSFC-1300\)](#)
To: [Moore, Derek M. \(HQ-NA050\)](#)
Cc: [Kerr, Dorothy \(GSFC-1400\)](#)
Subject: Re: FOIA Records Search Request 23-00101-F-GSFC
Date: Tuesday, November 29, 2022 9:54:10 AM
Attachments: [image001.png](#)

Hi Derek,

I would indeed like to speak to you about this. There is additional context here that I think might be relevant to (b) (5)

(b) (5)

=====

email: peter.jacobs@nasa.gov

office: 301-286-0535

mobile (b) (6)

From: Moore, Derek M. (HQ-NA050) <derek.m.moore@nasa.gov>
Sent: Tuesday, November 29, 2022 9:52:10 AM
To: Jacobs, Peter H. (GSFC-1300) <peter.jacobs@nasa.gov>
Cc: Gramian, Nikki N. (HQ-NA050) <nikki.n.gramian@nasa.gov>
Subject: FW: FOIA Records Search Request 23-00101-F-GSFC

Good Morning,

This is to advise you that the NASA FOIA office received a Freedom of Information Act (FOIA) request seeking copies of your emails. Thus, to comply with the law within the 20 days set forth in the statute, we asked IT to conduct a search of your NASA-managed email account. For your reference, below is a copy of the email initiating that search. Also attached are copies of the original FOIA request and a form which describes the search parameters IT is using to conduct the search.

No action is needed from you at this time. If any emails responsive to the FOIA request are located, the FOIA office will review them, apply any applicable redactions per the FOIA statute and current case law, and give you an opportunity to review the records once processed.

Please note that the FOIA office works closely with the Office of General Counsel to ensure FOIA redactions are applied in accordance with the FOIA statute. Should you have any questions about this process, please feel free to contact me.

Requester does also ask for a records search to be done within your office. I will be sending that later today once I verify if GSFC OCOMM has a FOIA point of contact. I'll route the request through the confirmed point of contact and they will most likely send to you directly. If your office does not have a preferred point of contact I may reach out to you directly, if that's okay. I'm available for a quick Teams call today if you have questions.

Sincerely,

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: Moore, Derek M. (HQ-NA050)
Sent: Tuesday, November 29, 2022 8:51 AM
To: (b) (6) mail.nasa.gov' (b) (6) mail.nasa.gov>
Cc: Karim Said (HQ-JA022) <karim.a.said@nasa.gov>; Nikki N. Gramian (HQ-NA040) (nikki.n.gramian@nasa.gov) <nikki.n.gramian@nasa.gov>
Subject: FOIA Records Search Request 23-00101-F-GSFC

Good Morning Karim and Scott,

We've received a request at Goddard seeking emails, so I am sending this FOIA records search request. Attached is a copy of the records search request form, a copy of the FOIA request, and I also summarized the request on page 1 of the records search form.

Request seeks:

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil). Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation". Date Range for Records Search: May 1, 2021 to October 1, 2021.

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. **If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **Tuesday, December 6.**

Do not hesitate to reach out with questions you have.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#)
Cc: [Nikki N. Gramian \(HQ-NA040\) \(nikki.n.gramian@nasa.gov\)](#)
Subject: FW: FOIA Records Search Request 23-00100-F-GSFC
Date: Tuesday, November 29, 2022 12:38:00 PM
Attachments: [image001.png](#)
[FX FOIA CLARIFIED Request.pdf](#)

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (*not 101, as previously indicated*) Please disregard prior email.**
****Please also note updated "Original Description" section**

Good Morning,

This is to advise you that the NASA FOIA office received a Freedom of Information Act (FOIA) request seeking copies of your emails. Thus, to comply with the law within the 20 days set forth in the statute, we asked IT to conduct a search of your NASA-managed email account. For your reference, below is a copy of the email initiating that search. Also attached are copies of the original FOIA request and a form which describes the search parameters IT is using to conduct the search.

No action is needed from you at this time. If any emails responsive to the FOIA request are located, the FOIA office will review them, apply any applicable redactions per the FOIA statute and current case law, and give you an opportunity to review the records once processed.

Please note that the FOIA office works closely with the Office of General Counsel to ensure FOIA redactions are applied in accordance with the FOIA statute. Should you have any questions about this process, please feel free to contact me.

Requester does also ask for a records search to be done within your office. I will be sending that later today once I verify if GSFC OCOMM has a FOIA point of contact. I'll route the request through the confirmed point of contact and they will most likely send to you directly. If your office does not have a preferred point of contact I may reach out to you directly, if that's okay. I'm available for a quick Teams call today if you have questions.

Sincerely,

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: Moore, Derek M. (HQ-NA050)
Sent: Tuesday, November 29, 2022 12:33 PM
To: (b) (6) [mail.nasa.gov](#)

Cc: Karim Said (HQ-JA022) karim.a.said@nasa.gov; Nikki N. Gramian (HQ-NA040) (nikki.n.gramian@nasa.gov) nikki.n.gramian@nasa.gov

Subject: FOIA Records Search Request 23-00100-F-GSFC

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (not 101, as previously indicated) Please disregard prior email with prior forms, and use this one for records search.**

****Please also note updated "Original Description" section**

Good Morning Karim and Scott,

We've received a request at Goddard seeking emails, so I am sending this FOIA records search request. Attached is a copy of the records search request form, a copy of the FOIA request, and I also summarized the request on page 1 of the records search form.

Request seeks:

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil). Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation". Date Range for Records Search: May 1, 2021 to October 1, 2021.

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. **If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **Tuesday, December 6.**

Do not hesitate to reach out with questions you have.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



Requester Details	
Requester* : Barlow, Kevin	Organization : IDKSANDY
Category* : All Others	On Behalf Of :
Address Details	
Shipping Address	Billing Address
Address 1: Address 2: City: Country*: State: ZIP Code:	Address 1: Address 2: City: Country*: State: ZIP Code:
[12345 or 12345-6789 format for US]	[12345 or 12345-6789 format for US]
Request Details	
Action Office* : GSFC Request Type* : FOIA Received Mode : Public Access Link Multi-Track Type : Complex Requested Date* : 11/17/2022 Received Date* : 11/29/2022 Target Date : 12/28/2022 Estimated Date of Completion : 12/28/2022 Extensions : - Review Status :	Primary Assigned* : Moore, Derek Priority : Normal Delivery Mode : E-mail Method of Payment : Original Received Date* : 11/17/2022 Original Target Date : 12/16/2022 Perfected : Yes

ORIGINAL REQUEST DESCRIPTION

Requesting all correspondence & records of public affair officer Peter Jacobs containing one or more of the following strings: "sars" "cov" "misinformation" "coronavirus" "compensation" "payment" "favor" "conspiracy" "conspiracies" "combat" "debunk" "daszak" "peter" "jepson" "katie" "USRA" "henry" "jackson" "hjf" "ecohealth" "eha" "origins" "baric" "ralph" "unc" "neil" "stuart" "farrar" "fauci" "schmidt" "gavin" "collins" "markolin" "philipp" "twitter" "tweet" "PREDICT" "DEFUSE" "USAID" "chan" "alina" "ebright" "richard" "furin" "lab" "leak" "nih" "climate" "anti" "vaccine" "vax". "fund" "trump". strings are not limited to email content and should include email recipients. Thank you! (Date Range for Record Search: From 01/01/2020 To 11/17/2022)

CLARIFIED REQUEST DESCRIPTION

I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".

Date Range for Records Search: May 1, 2021 to October 1, 2021.

(Date Range for Records Searches: May 1, 2021 to March 15, 2022 and, May 1, 2022 to October 1, 2021).

- HQS	
On behalf of :	
Referred from :	
Expedite Requested ☒ Yes ☐ No	
Start Date* : 11/17/2022	End Date* : 11/29/2022
Determination : Denied	
Expedite Description : reputation of delayed releases	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Waiver Requested ☒ Yes ☐ No	
Start Date : 11/17/2022	End Date :
Determination : TBD	
Fee Waiver Description : request satisfies requirements listed in §1206.506(c) a	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Details	
Willing Amount* \$: 0.00	☐ Willing to Pay All Fees

From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#)
Subject: FOIA Records Search 23-00100-F-GSFC
Date: Monday, December 19, 2022 7:08:00 AM
Attachments: [image001.png](#)
[FX FOIA CLARIFIED Request.pdf](#)
[FOIA Search Form 23-00100-F-GSFC_OCOMM.pdf](#)
[image002.png](#)

Good Morning Peter,

I am one of the Government Information Specialists with the FOIA Program at Headquarters. We received a request at headquarters for which I am sending you a FOIA records search request. I have attached a FOIA records search request, a copy of the FOIA request, and also summarized the request on page 4 of the search form. Please note I am only sending you this records request for items listed in the first paragraph (bold and italicized below). The remaining portions of the request seeking emails was sent to the Office of IT. Request seeks:

***I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.
Date Range for Records Search: May 1, 2021 to March 15 2022.***

Although our office will send the documents through the proper review channels, and make the final determination on what documents are releasable, ***as the subject matter expert, please state what you feel should or should not be released by highlighting the "non-releasable" information you believe should be withheld.*** Pages 1 and 2 of the attached search form provide guidance on redaction recommendations.

Also, please be aware that the requester is ***only allowed TWO (2) hours of search time.*** Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. **If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **Friday, December 23**. Please also send any feedback from records holders regarding recommendations for redactions/exemptions, as well as context that would be important for us to know.

I sent a FOIA records search request to OTHER PROGRAM OFFICES as well. If during the course of your search you identify other offices which would have records please fill this information out on the records search form (page 1, just above the signature section).

☐ Please check this box if you believe another program office may maintain responsive records, and identify that office. **PROGRAM OFFICE:**

Do not hesitate to reach out with questions you have or additional information you need.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



FOIA SEARCH INSTRUCTIONS

We identified your office as likely to maintain record(s) responsive to the below-referenced and attached FOIA request. Please review this request and complete a search, following the instructions detailed below. Please respond to this search request by the below-referenced due date. The due date allows the FOIA and Legal Offices adequate time to process and review records, and to complete a response to the FOIA request within the time period established by federal law.

Please conduct a search that is ***reasonably calculated to locate all responsive records*** described in the attached request. **All responsive records MUST be provided to the HQ FOIA OFFICE.** HQ FOIA must review each responsive record to determine whether it should be released or withheld either in part or in full. The records, even those withheld in full, are also required to be stored in the FOIA administrative file. If you have questions regarding production of a record, please notify our office immediately.

INSTRUCTIONS:

1. Subject Matter Expert:

- **Conduct a search for existing records.**
 - Please track how much time it takes (hours/minutes) to locate the records, and note that in the appropriate space below **[NOTE: if it will take longer than 2 hours to complete the search, please notify the HQ FOIA Office prior to completing the search].**
 - Do not create or alter any records to satisfy a request.
 - NASA is not obligated to respond to questions, or add explanatory material to any records disclosed in response to a FOIA request.
 - If no responsive records are located, please check the appropriate box below.
 - **Provide the method and location of search.** This information is required for the administrative file. For example, provide the names of individuals who searched; search terms used; indices, databases, and/or other record holdings that were searched; as well as any search methodologies used.
- **Download, copy, or scan the records.**
 - Please do not provide original copies of records to the HQ FOIA Office.
 - To the extent possible, it is helpful if electronic copies are provided.
- **Review the responsive records** page by page and line by line, and **mark** any information that is not suitable for public release. You should also include a statement as to why the information should not be released.
 - You may **highlight** the record(s) **OR** place **[red brackets]** around the information, and **note the FOIA exemption that applies, or your justification for protecting the information.**
 - **Do not black out any information.** The FOIA office will do this once all records are reviewed and approved for release.
 - As you review the records, please confirm that all pages are included. If any part of the records are missing or if the number sequence changes, please provide a brief statement as to why the information is not included. Providing this information ahead of time will help to save processing time.
 - The legal requirement under FOIA is to provide all responsive records to our office even if they are not releasable.
 - If responsive records are located, you may recommend:
 - Full release - Provide one clean copy only.
 - Partial release - Provide a marked copy as described above **AND** a clean copy.
 - Withhold in full – Provide a copy of the record clearly marked to withhold in full **AND** a clean copy.
 - **Provide a brief statement for all withholding (partial/full) recommendations or “no records” notices.** This statement will be used to conduct our analysis, prepare the response letter, and will also be part of the package sent to the legal office for their review and concurrence.
- **Return the records to our office with your withholding recommendations/justifications and completed FOIA Action Report (attached).**

2. Export Control Representative (ECR), if applicable

If records located contain technical information, an export compliance review **MUST** be conducted before returning the documents to the FOIA Office. **You should inform your CEA that you are reviewing a document that is expected to be released or withheld entirely under the FOIA.** If any withholdings are taken for this type of information, **the ECR must provide the pertinent statute that exempts the records from disclosure.**

FREEDOM OF INFORMATION ACT (5 USC § 552)

EXPLANATION OF EXEMPTIONS

(b)(1) Classified Material: Applies to information that is currently and properly classified pursuant to Executive Order 13526 in the interest of national defense or foreign policy.

(b)(2) Human Resource Internal Rules and Practices: consistent with the plain meaning of the term 'personnel rules and practices,' encompasses only records relating to issues of employee relations and human resources.

Exemption 2's New Three-part Test

1. The Information **Must be Related to "Personnel" Rules and Practices** As the Supreme Court emphasized, the "key word" in the exemption and the one word which "most clearly marks the provision's boundaries – is 'personnel. The Department of Justice Guidance on Milner advises agencies that in order for information to qualify for protection under Exemption 2, agencies must ensure that the information at issue satisfies the requirement that it "relate to an agency's personnel rules or practices.

2. The Information **Must Relate "Solely" to Those Personnel Rules and Practices** The second requirement for Exemption 2 is that "the information at issue must **'relate solely' to the agency's personnel rules and practices.**" The Supreme Court defined this phrase by its "usual" meaning, which is "exclusively or only."

3. The Information **Must be "Internal"** The third requirement for Exemption 2 is that the **information must be "internal," meaning that 'the agency must typically keep the records to itself for its own use.** Exemption 2 is now limited to records that are **1) personnel-related rules and practices; 2) that are "related solely" to such rules and practices; and 3) that are "internal" to the agency.**⁸³

(b)(3) Exempt by Specific Statute: Applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed. **(If this exemption is used the pertinent statute must be cited)**

(b)(4) Privileged/Confidential Commercial/Financial Information: Applies to information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis, which if released would result in competitive harm to the company.

(b)(5) Inter/Intra Agency Memoranda Deliberative in Nature: Applies to inter- and intra-agency documents which are both deliberative in nature and part of a decision making process; includes subjective evaluations, opinions and recommendations.

(b)(6) Privacy Act Sensitive Information: Applies to information release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

(b)(7) Information Compiled for Law Enforcement Purposes: Applies to records or information compiled for law enforcement purposes that (a) could reasonably be expected to interfere with law enforcement proceedings; (b) would deprive a person of a right to a fair trial or impartial adjudication; (c) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; (d) disclose the identity of a confidential source; (e) disclose investigative techniques and procedures, or (f) **could reasonably be expected to endanger the life or physical safety of any individual.**

(b)(8) Financial Institution Records: Applies to records related to regulation or supervision of financial institutions.

(b)(9) Geological and Geophysical Information: Applies to records relating to geological and geophysical information and data concerning to wells.

PLEASE NOTE: Any reasonably segregable portion of a record shall be provided to any person requesting records after redacting portions that are exempt from release. The amount of information deleted, **and the exemption under which the deletion is made**, shall be indicated **on the released portion of the record**, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, **and the exemption under which the deletion is made**, shall be indicated **at the place in the record where such deletion is made.**

FOIA ACTION OFFICE REPORT

FOIA Case Number 23-00100-F-GSFC
Search POC/Office GSFC-OCOMM Jacobs P.
HQ POC HQ, FOIA, Moore D.

Date of Search Request _____
Search Due Date _____
Date Returned to HQ FOIA _____

- **Searcher(s) and Search Time:**

Name	GS Grade	Search Time (Hours/Minutes)	# Records Located	# Total Pages	Review Time (Hours/Minutes)

- **Search Terms Used:**

- **Systems/Databases searched:**

- **Search Results and Lead Subject Matter Expert Certification:**

☐ Responsive records located, reviewed for withholdings, and prepared according to the above instructions. **TOTAL REVIEW TIME:** _____

☐ Withholdings/redactions recommended

☐ Release in full recommended

☐ No responsive records located.

☐ Please check this box if you believe another program office may maintain responsive records, and identify that

office. **PROGRAM OFFICE:** _____

Signature

Code

Name

Date

- **Action Office FOIA Coordinator Certification:**

I reviewed this packet for completeness prior to transmittal to the HQ FOIA Office. To the best of my knowledge, and based on information provided to me, the foregoing is accurate.

Signature

Code

Name

Date

Additional Comments/Concerns:

Requester Details	
Requester* : Barlow, Kevin	Organization : IDKSANDY
Category* : All Others	On Behalf Of :
Address Details	
Shipping Address	Billing Address
Address 1: Address 2: City: Country*: State: ZIP Code:	Address 1: Address 2: City: Country*: State: ZIP Code:
[12345 or 12345-6789 format for US]	[12345 or 12345-6789 format for US]
Request Details	
Action Office* : GSFC Request Type* : FOIA Received Mode : Public Access Link Multi-Track Type : Complex Requested Date* : 11/17/2022 Received Date* : 11/29/2022 Target Date : 12/28/2022 Estimated Date of Completion : 12/28/2022 Extensions : - Review Status :	Primary Assigned* : Moore, Derek Priority : Normal Delivery Mode : E-mail Method of Payment : Original Received Date* : 11/17/2022 Original Target Date : 12/16/2022 Perfected : Yes

ORIGINAL REQUEST DESCRIPTION

Requesting all correspondence & records of public affair officer Peter Jacobs containing one or more of the following strings: "sars" "cov" "misinformation" "coronavirus" "compensation" "payment" "favor" "conspiracy" "conspiracies" "combat" "debunk" "daszak" "peter" "jepson" "katie" "USRA" "henry" "jackson" "hjf" "ecohealth" "eha" "origins" "baric" "ralph" "unc" "neil" "stuart" "farrar" "fauci" "schmidt" "gavin" "collins" "markolin" "philipp" "twitter" "tweet" "PREDICT" "DEFUSE" "USAID" "chan" "alina" "ebright" "richard" "furin" "lab" "leak" "nih" "climate" "anti" "vaccine" "vax". "fund" "trump". strings are not limited to email content and should include email recipients. Thank you! (Date Range for Record Search: From 01/01/2020 To 11/17/2022)

CLARIFIED REQUEST DESCRIPTION

I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".

Date Range for Records Search: May 1, 2021 to October 1, 2021.

(Date Range for Records Searches: May 1, 2021 to March 15, 2022 and, May 1, 2022 to October 1, 2021).

- HQS	
On behalf of :	
Referred from :	
Expedite Requested ☒ Yes ☐ No	
Start Date* : 11/17/2022 11/17/2022	End Date* : 11/29/2022 11/29/2022
Determination : Denied	
Expedite Description : reputation of delayed releases	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Waiver Requested ☒ Yes ☐ No	
Start Date : 11/17/2022 11/17/2022	End Date :
Determination : TBD	
Fee Waiver Description : request satisfies requirements listed in §1206.506(c) a	
Drag and Drop Zone Scan File Attach File Print Barcode	
Fee Details	
Willing Amount* \$: 0.00	☐ Willing to Pay All Fees

From: [Moore, Derek M. \(HQ-NA050\)](#)
To: [Jacobs, Peter H. \(GSFC-1300\)](#)
Subject: Accepted: Quick chat
Start: Tuesday, January 3, 2023 12:00:00 PM
End: Tuesday, January 3, 2023 12:30:00 PM

Meet the Team meeting
 In a group setting, each member is responsible for

(b) (6)

[illegible]

From: [Jacobs, Peter H. \(GSFC-1300\)](#)
To: [Moore, Derek M. \(HQ-NA050\)](#)
Subject: Re: FOIA Records Search Request 23-00100-F-GSFC
Date: Friday, January 13, 2023 1:56:49 PM
Attachments: [image001.png](#)
[image002.png](#)
[FOIA Search Form 23-00100-F-GSFC_OCOMM copy.pdf](#)

Hi Derek,

No idea if this will work, but letting you know this looks accurate and I am (or attempting anyway) signing and returning.

From: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>
Date: Friday, January 13, 2023 at 2:43 PM
To: "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>
Subject: RE: FOIA Records Search Request 23-00100-F-GSFC

Hi Peter,

For some reason some of the fields were populating, but I was having some issues. I copied the various fields and put them in the original form. Will you review, and if it looks accurate sign and return? At that point I think I may be able to view and save the copy.

Thanks!
Derek

From: Jacobs, Peter H. (GSFC-1300) <peter.jacobs@nasa.gov>
Sent: Friday, January 13, 2023 1:25 PM
To: Moore, Derek M. (HQ-NA050) <derek.m.moore@nasa.gov>
Subject: Re: FOIA Records Search Request 23-00100-F-GSFC

Sorry, same PDF as just sent, but I just wanted to flag the revised comment field. Can you please take a look?

Thanks!

From: "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>
Date: Friday, January 13, 2023 at 2:16 PM
To: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>
Subject: Re: FOIA Records Search Request 23-00100-F-GSFC

Hi Derek,

Attached please find a revised PDF of the response.

Thank you,
Peter

From: "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>
Date: Friday, January 13, 2023 at 1:24 PM
To: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>
Subject: Re: FOIA Records Search Request 23-00100-F-GSFC

Hi Derek!

Can you let me know if you can see the comments/filled fields?

The comments section already had the request in it, but I added something after. Please let me know if this works for you. Of note, I performed the actual searching when I received the form but was not able to properly sign the PDF electronically until now.

From: "Moore, Derek M. (HQ-NA050)" <derek.m.moore@nasa.gov>
Date: Tuesday, November 29, 2022 at 2:26 PM
To: "Jacobs, Peter H. (GSFC-1300)" <peter.jacobs@nasa.gov>

Subject: FOIA Records Search Request 23-00100-F-GSFC

Good Afternoon Peter,

I am one of the Government Information Specialists with the FOIA Program at Headquarters. We received a request at headquarters for which I am sending you a FOIA records search request. I have attached a FOIA records search request, a copy of the FOIA request, and also summarized the request on page 4 of the search form. I am sending you this records search request for the **highlighted portion only**. The remaining portions of the request were sent to Office of IT, about which I also notified you in the email chain below. Requester seeks:

I seek records from Goddard Office of Communications, Peter Jacobs pertaining to outreach from other organizations/entities asking for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil). Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation". Date Range for Records Search: May 1, 2021 to October 1, 2021.

(Date Range for Records Searches: May 1, 2021 to March 15, 2022 and, May 1, 2022 to October 1, 2021).

Although our office will send the documents through the proper review channels, and make the final determination on what documents are releasable, **as the subject matter expert, please state what you feel should or should not be released by highlighting the "non-releasable" information you believe should be withheld.** Pages 1 and 2 of the attached search form provide guidance on redaction recommendations.

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. ****If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.**

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by COB **December 6, 2022**. Please also send any feedback from records holders regarding recommendations for redactions/exemptions, as well as context that would be important for us to know.

I sent a FOIA records search request to OTHER PROGRAM OFFICES as well. If during the course of your search you identify other offices which would have records please fill this information out on the records search form (page 1, just above the signature section).



Do not hesitate to reach out with questions you have or additional information you need.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681

NASA logo



From: Moore, Derek M. (HQ-NA050)

Sent: Tuesday, November 29, 2022 12:39 PM

To: Jacobs, Peter H. (GSFC-1300) <peter.jacobs@nasa.gov>

Cc: Nikki N. Gramian (HQ-NA040) <nikki.n.gramian@nasa.gov> <nikki.n.gramian@nasa.gov>

Subject: FW: FOIA Records Search Request 23-00100-F-GSFC

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (not 101, as previously indicated) Please disregard prior email.**

****Please also note updated "Original Description" section**

Good Morning,

This is to advise you that the NASA FOIA office received a Freedom of Information Act (FOIA) request seeking copies of your emails. Thus, to comply with the law within the 20 days set forth in the statute, we asked IT to conduct a search of your NASA-managed email account. For your reference, below is a copy of the email initiating that search. Also attached are copies of the original FOIA request and a form which describes the search parameters IT is using to conduct the search.

No action is needed from you at this time. If any emails responsive to the FOIA request are located, the FOIA office will review them, apply any applicable redactions per the FOIA statute and current case law, and give you an opportunity to review the records once processed.

Please note that the FOIA office works closely with the Office of General Counsel to ensure FOIA redactions are applied in accordance with the FOIA statute. Should you have any questions about this process, please feel free to contact me.

Requester does also ask for a records search to be done within your office. I will be sending that later today once I verify if GSFC OCOMM has a FOIA point of contact. I'll route the request through the confirmed point of contact and they will most likely send to you directly. If your office does not have a preferred point of contact I may reach out to you directly, if that's okay. I'm available for a quick Teams call today if you have questions.

Sincerely,

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681



From: Moore, Derek M. (HQ-NA050)

Sent: Tuesday, November 29, 2022 12:33 PM

To: (b) (6) @mail.nasa.gov

Cc: Karim Said (HQ-JA022) karim.a.said@nasa.gov; Nikki N. Gramian (HQ-NA040) (nikki.n.gramian@nasa.gov) nikki.n.gramian@nasa.gov

Subject: FOIA Records Search Request 23-00100-F-GSFC

****Please note I am sending this corrected/updated copy of this search. This is for FOIA request 23-00100-F-GSFC (not 101, as previously indicated) Please disregard prior email with prior forms, and use this one for records search.**

****Please also note updated "Original Description" section**

Good Morning Karim and Scott,

We've received a request at Goddard seeking emails, so I am sending this FOIA records search request. Attached is a copy of the records search request form, a copy of the FOIA request, and I also summarized the request on page 1 of the records search form.

Request seeks:

I also seek records from the Office of IT (email search), for emails sent to or received by Peter Jacobs to or from the following individuals: Stephan Lewandowsky, Stuart Neil, Peter Daszak, Philipp Markolin, Assaf Anyamba; and specific organizations Ecohealth Alliance (@ecohealthalliance.org), and/or Defense Threat Reduction Agency (DTRA) (@dtra.mil).

Date Range for Records Search: May 1, 2021 to March 15 2022.

I also seek records from the Office of IT (email search), for any emails sent to or received by Peter Jacobs containing the following standalone strings, keywords, and/or phrases: "Alina Chan", "ecohealth", "Richard Ebright" and a Boolean search for strings "sars" + "misinformation", "daszak" + "conspirac", "twitter" + "sars" + "misinformation".

Date Range for Records Search: May 1, 2021 to October 1, 2021.

Also, please be aware that the requester is **only allowed TWO (2) hours of search time**. Please limit your search to this time frame. If you need more time, please let me know so I can reach back to the requester. ****If we continue searching past the allowed time, we may not be able to collect fees for any additional search time.**

Finally, the FOIA has a statutorily imposed deadline; therefore, please collect and provide to me your completed search form and any records responsive to this request by **COB Tuesday, December 6.**

Do not hesitate to reach out with questions you have.

Thank you!

Derek Moore
he/him/his
Government Information Specialist
NASA Headquarters, FOIA
202-358-2681

NASA logo



FOIA SEARCH INSTRUCTIONS

We identified your office as likely to maintain record(s) responsive to the below-referenced and attached FOIA request. Please review this request and complete a search, following the instructions detailed below. Please respond to this search request by the below-referenced due date. The due date allows the FOIA and Legal Offices adequate time to process and review records, and to complete a response to the FOIA request within the time period established by federal law.

Please conduct a search that is ***reasonably calculated to locate all responsive records*** described in the attached request. **All responsive records MUST be provided to the HQ FOIA OFFICE.** HQ FOIA must review each responsive record to determine whether it should be released or withheld either in part or in full. The records, even those withheld in full, are also required to be stored in the FOIA administrative file. If you have questions regarding production of a record, please notify our office immediately.

INSTRUCTIONS:

1. Subject Matter Expert:

- **Conduct a search for existing records.**
 - Please track how much time it takes (hours/minutes) to locate the records, and note that in the appropriate space below **[NOTE: if it will take longer than 2 hours to complete the search, please notify the HQ FOIA Office prior to completing the search].**
 - Do not create or alter any records to satisfy a request.
 - NASA is not obligated to respond to questions, or add explanatory material to any records disclosed in response to a FOIA request.
 - If no responsive records are located, please check the appropriate box below.
 - **Provide the method and location of search.** This information is required for the administrative file. For example, provide the names of individuals who searched; search terms used; indices, databases, and/or other record holdings that were searched; as well as any search methodologies used.
- **Download, copy, or scan the records.**
 - Please do not provide original copies of records to the HQ FOIA Office.
 - To the extent possible, it is helpful if electronic copies are provided.
- **Review the responsive records** page by page and line by line, and **mark** any information that is not suitable for public release. You should also include a statement as to why the information should not be released.
 - You may **highlight** the record(s) **OR** place **[red brackets]** around the information, and **note the FOIA exemption that applies, or your justification for protecting the information.**
 - **Do not black out any information.** The FOIA office will do this once all records are reviewed and approved for release.
 - As you review the records, please confirm that all pages are included. If any part of the records are missing or if the number sequence changes, please provide a brief statement as to why the information is not included. Providing this information ahead of time will help to save processing time.
 - The legal requirement under FOIA is to provide all responsive records to our office even if they are not releasable.
 - If responsive records are located, you may recommend:
 - Full release - Provide one clean copy only.
 - Partial release - Provide a marked copy as described above **AND** a clean copy.
 - Withhold in full – Provide a copy of the record clearly marked to withhold in full **AND** a clean copy.
 - **Provide a brief statement for all withholding (partial/full) recommendations or “no records” notices.** This statement will be used to conduct our analysis, prepare the response letter, and will also be part of the package sent to the legal office for their review and concurrence.
- **Return the records to our office with your withholding recommendations/justifications and completed FOIA Action Report (attached).**

2. Export Control Representative (ECR), if applicable

If records located contain technical information, an export compliance review **MUST** be conducted before returning the documents to the FOIA Office. **You should inform your CEA that you are reviewing a document that is expected to be released or withheld entirely under the FOIA.** If any withholdings are taken for this type of information, **the ECR must provide the pertinent statute that exempts the records from disclosure.**

FREEDOM OF INFORMATION ACT (5 USC § 552)

EXPLANATION OF EXEMPTIONS

(b)(1) Classified Material: Applies to information that is currently and properly classified pursuant to Executive Order 13526 in the interest of national defense or foreign policy.

(b)(2) Human Resource Internal Rules and Practices: consistent with the plain meaning of the term 'personnel rules and practices,' encompasses only records relating to issues of employee relations and human resources.

Exemption 2's New Three-part Test

1. The Information **Must be Related to "Personnel" Rules and Practices** As the Supreme Court emphasized, the "key word" in the exemption and the one word which "most clearly marks the provision's boundaries – is 'personnel. The Department of Justice Guidance on Milner advises agencies that in order for information to qualify for protection under Exemption 2, agencies must ensure that the information at issue satisfies the requirement that it "relate to an agency's personnel rules or practices.

2. The Information **Must Relate "Solely" to Those Personnel Rules and Practices** The second requirement for Exemption 2 is that "the information at issue must **'relate solely' to the agency's personnel rules and practices.**" The Supreme Court defined this phrase by its "usual" meaning, which is "exclusively or only."

3. The Information **Must be "Internal"** The third requirement for Exemption 2 is that the **information must be "internal," meaning that 'the agency must typically keep the records to itself for its own use.** Exemption 2 is now limited to records that are **1) personnel-related rules and practices; 2) that are "related solely" to such rules and practices; and 3) that are "internal" to the agency.**⁸³

(b)(3) Exempt by Specific Statute: Applies to information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed. **(If this exemption is used the pertinent statute must be cited)**

(b)(4) Privileged/Confidential Commercial/Financial Information: Applies to information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis, which if released would result in competitive harm to the company.

(b)(5) Inter/Intra Agency Memoranda Deliberative in Nature: Applies to inter- and intra-agency documents which are both deliberative in nature and part of a decision making process; includes subjective evaluations, opinions and recommendations.

(b)(6) Privacy Act Sensitive Information: Applies to information release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

(b)(7) Information Compiled for Law Enforcement Purposes: Applies to records or information compiled for law enforcement purposes that (a) could reasonably be expected to interfere with law enforcement proceedings; (b) would deprive a person of a right to a fair trial or impartial adjudication; (c) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others; (d) disclose the identity of a confidential source; (e) disclose investigative techniques and procedures, or (f) **could reasonably be expected to endanger the life or physical safety of any individual.**

(b)(8) Financial Institution Records: Applies to records related to regulation or supervision of financial institutions.

(b)(9) Geological and Geophysical Information: Applies to records relating to geological and geophysical information and data concerning to wells.

PLEASE NOTE: Any reasonably segregable portion of a record shall be provided to any person requesting records after redacting portions that are exempt from release. The amount of information deleted, **and the exemption under which the deletion is made**, shall be indicated **on the released portion of the record**, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted, **and the exemption under which the deletion is made**, shall be indicated **at the place in the record where such deletion is made.**

FOIA ACTION OFFICE REPORT

FOIA Case Number 23-00100-F-GSFC
Search POC/Office OCOMM, P. Jacobs
HQ POC HQ, FOIA, D. Moore

Date of Search Request 12/19/22
Search Due Date 12/23/22
Date Returned to HQ FOIA

- Searcher(s) and Search Time:

Name	GS Grade	Search Time (Hours/Minutes)	# Records Located	# Total Pages	Review Time (Hours/Minutes)
Peter Jacobs	12	45	0	0	15 min

- Search Terms Used:

misinformation COVID-19; conspiracy COVID-19; misinformation coronavirus; conspiracy coronavirus

- Systems/Databases searched:

Outlook; One Drive; laptop; physical files

- Search Results and Lead Subject Matter Expert Certification:

☐ Responsive records located, reviewed for withholdings, and prepared according to the above instructions. **TOTAL REVIEW TIME:** _____

☐ Withholdings/redactions recommended

☐ Release in full recommended

☒ No responsive records located.

☐ Please check this box if you believe another program office may maintain responsive records, and identify that

office. **PROGRAM OFFICE:** _____

Signature

Code

Name

Date

- Action Office FOIA Coordinator Certification:

I reviewed this packet for completeness prior to transmittal to the HQ FOIA Office. To the best of my knowledge, and based on information provided to me, the foregoing is accurate.

(b) (6)

Signature

GSFC-130

Code

Peter Jacobs

1/13/23

Name

Date

Additional Comments/Concerns:

Peter Jacobs comment(s):

No records were found. I have not reached out to other organizations/entities soliciting for, or providing advice or assistance on responding to COVID conspiracy theories and COVID information. I have not had other organizations/entities solicit me for, or ask for advice or assistance on responding to COVID conspiracy theories and COVID misinformation.